DETAILED ACTION

1.   This office action is in response to communication filed on 1/21/2010.

2.   The amendment to the specification filed on 1/21/2010 has been accepted.

3.   Claims 1-10, 12-13, 15-21, 23, 27-30, 34-36, 40-41 and 43-52 are presented for

examination.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claim 1-4, 6-10, 13, 15-21, 23, 27-30, 34-36, 40-41 and 43-52 are rejected under

35 U.S.C. 103(a) as being unpatentable over article titled "Argos Business Solutions:

Customer Referral Scheme Encourages Sales of Mobile Phones" Argos Business

Solutions over article titled, **"recommend-it.com"**

With respect to claims 1-4, 7-10, 12-13, 15-16, 19, 27, 40-41, 46-51 Argos

Business Solutions teaches a method of marketing (entire document). providing a

referral-based service and one or more marketable entities to be purchased, wherein

the referral-based service and the one or more marketable services are provided by a

Service Provider and any purchase transaction of one of the one or more marketable

entities is performed by the Service Provider (i.e. existing customers refer colleagues,

friends or family to purchase a new mobile phone and the existing customers receive

points)(page 1, paragraph 3);

offering a reward to the first party by the Service Provider in response to the first

party purchasing the marketable entity, the reward is in exchange for a

recommendation that results in a purchase of the marketable entity by a second

party (i.e. existing customers collect points for purchases made by the referee (page 1,

paragraph 3);

correlating data within a database, the data within the database comprising data

relating to the reward offered to the first party and providing the reward to the first party

if the second party purchases the marketable entity (i.e. database of quality branded

items such as sports goods, children's toys and garden equipment are provided to the

existing customers for purchases made by the referee)(page 2, paragraph 1); the

recommendation being selected from a group consisting of goods and services (i.e.

various purchases by the referee qualifies the existing customer to receive points)(page

1, paragraph 3).

Argos doesn't specifically teach personalizing the referral of the marketable entity

(i.e. mobile phone) including a serial number for the marketable entity (i.e. mobile

phone). Official Notice is taken that serial numbers are unique letters and numbers that

are used for identification of a product, hardware or software. It would have been

obvious to a person of ordinary skill in the art at the time of have included in Argos

personalizing the referral by providing to the referee the serial number of the marketable

entity (mobile phone) in order to uniquely and unequivocally identify the marketable

entity (i.e. mobile phone).

Argos Business Solutions doesn't specifically teach sending the recommendation

via an e-mail message to the second party including an URL link to the web site of the

service provider and updating the database with the e-mail address of the second party.

Recommend-it.com teaches the first user will send an e-mail to a friend or colleague

detailing the site and would include a short description identifying advertisements)(page

2); correlating the first set of data in the first e-mail message to data within a database

(page 2); updating the database with an e-mail address of a second party provided by

the first party (pages 1-4); forwarding the first e-mail message to the e-mail address of

the second party (see page 4). It would have been obvious to a person of ordinary skill

in the art at the time of Applicant's invention to have included in the invention of Argos

Business Solutions the teachings of recommend-it.com of sending the recommendation

via an e-mail message to the second party comprising a personalized referral for the

marketable entity including an URL link to the web site of the service provider and

updating the database with the e-mail address of the second party because such a

modification would allow the second party the convenience of using his or her computer

to viewed all the details of the items recommended.

Claims 6, 17-18, 20, further recite that the link is accessible through a token in

the form of a first icon visible in the message. Official notice is taken that it is old and

well known in the computer related field to have a token in the form of an icon that is

visible in the message in order to represent a function, object or program. It would have

been obvious to a person of ordinary skill in the art at the time of Applicant's invention to

have included a token in the form of a first icon visible in the message in order to make file navigations and manipulation easier.

Claims 23, 28-30, 34-36, 43-45 further recite crediting an account within a database and recording the reward credited. Official notice is taken that it is old and well known in the business related arts to credit an account because such a modification would provide an easy and efficient way to reward a customer. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included crediting an account within a database and recording the reward credited in order to obtain the above mentioned advantage.

Claim 52 further recites before providing a referral based service, evaluating application to determine suitability of goods and services in the referral based service. Official Notice is taken that it is old and well known to evaluate and determine what items or goods and services are going to be provided before the referral service is provided in order to determine ahead of time and plan for the suitable items, goods or services. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included before providing a referral based service, evaluating application to determine suitability of goods and services in the referral based service in order to obtain the above mentioned advantages.

Response to Arguments

6.   Applicant's arguments filed 3/19/2010 have been fully considered but they are

not persuasive.

7.   With respect to Applicant's arguments pertaining to "the first set of data

comprising a serial number and a first URL link to a first web site of the service provider

having an offer to transact an exchange for the marketable entity" The Examiner had

taken official notice that that serial numbers are unique letters and numbers that are

used for identification of a product, hardware or software (UPC barcode). Applicant

argues that even if it would have been obvious to a person of ordinary skill in the art to

personalize the referral with an UPC (it is not) the UPC is not unique to identify a

particular mobile phone. The Examiner wants to point out that the general teachings of

using an UPC code/barcode to identify items of the same product, nothing in this

general teaching exclude applying it to any item or product, including a particular mobile

phone. Therefore the rejection is sustained.

8.   With respect to correlating the first set of data in the first e-mail message to data

within a database, the data within the database comprising data related to the reward

offer to the first party. Applicant argues that even if Argos does teach correlating the first

data (it does not), Argos does not teach correlating the first set of data including the

serial number. As explained in the rejection above, Argos teaches the first party

referring the second party, the referral correlating or relating the referral to discounts,

merchandises, points are store in a special database that the first users will get for the

referral (paragraph 3). The recommendation of the second party is related to the

incentives, points, merchandises that the first party will receive for the recommendation

and official notice was taken pertaining to a serial number to identify the items therefore

the combination of Argos and the official notice taken teaches correlating the first set of

data in the first e-mail message to data within a database, the data within the database

comprising data related to the reward offer to the first party and therefore should be

argued accordingly.

9.   With respect to Applicant's arguments pertaining to updating the database with

an e-mail address of the second party. Applicant argues that the email address is

simply saved in a variable. The email address need not be saved in a database. The

Examiner wants to point out that even if the email is saved in a variable or temporary

basis as stated by Applicant, the e-mail address is saved in some sort of storage or

database. Since the claims do not specify if the e-mail address is saved on a temporary

or permanent basis, the rejection is sustained. Even if saving the e-mail address on a

permanent database were to be claimed it would have been obvious in order to keep

the e-mail addresses for future reference.

10.   Applicant argues that Recommend-it doesn't teach a from filed populated with an

e-mail address of the first party, The Examiner disagrees with Applicant because in

Recommend-it, the e-mail received by the second party includes the e-mail address of

the recommender. Applicant further argues that although the email address of the

recommender is shown, it is not shown in the reply-to field, not the from field. The

Examiner wants to point out that the claims only call for a from field populated with the

e-mail of the first party and in recommend-it, Eileen_velet@didem.com represents the starting point or where the recommendation came from. The claims do not call for the from field a reply-to field and even if it was to be claimed it would have been obvious to include the recommender's e-mail address as a reply-to field in order for the recommender to keep track if the party acted favorable to the recommendation.

11.   Applicant argues that the references do not teach authenticating e-mail messages. The Examiner wants to point out that in Recommend-it the first user provides the e-mail messages of the referees to Recommend-it which will forward an e-mail messages to the second parties, third parties on behalf of the first party, the e-mail addresses would have to be authenticated prior to transmission to make sure that at least the correct format of the e-mail is correct. For example, before any e-mail is sent, the system checks or authenticates and verifies if the e-mail is correct and if not correct or authenticated then the message cannot be sent to the recipient and the sender will receive a message that the message couldn't be delivered to the intended recipient. In addition, the claims do not specify at what point are the e-mail addresses authenticated.

12.   With respect to claim 4, Applicant further argues that the references do not teach updating the database with e-mail addresses of a third party provided by the first or second party. The Examiner disagrees with Applicant because as stated above, in Recommend-it the first party can recommend or send messages to up to 3 different e-mail addressed, the second person that the first recommends will be considered the third party in the claims and Recommend-it would have to store the e-mail addresses of all parties recommended in order to later construct the personalized messages.

13.   With respect to claims 8-9, Applicant argues that the references do not teach authenticating e-mail messages. The Examiner wants to point out that in Recommend-it the first user provides the e-mail messages of the referees to Recommend-it which will forward an e-mail messages to the second parties , third parties on behalf of the first party, the e-mail addressed would have to be the e-mail addresses would have to authenticated by the system in order for the e-mail to be sent for example, at the point where Recommend-it construct the e-mail messages to the second, third parties, the e-mail addresses correctness is confirmed in order for the e-mail to be transmitted. If an incorrect e-mail was submitted for a particular party then the party will not be able to receive the message because of the incorrect e-mail address.

Conclusion

14.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Point of contact

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Raquel Alvarez whose telephone number is (571)272-

6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert A. Weinhardt can be reached on (571)272-6633. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raquel Alvarez/   Raquel Alvarez
Primary Examiner, Art Unit 3688   Primary Examiner
                                                          Art Unit 3688
R.A.
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